

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
JOHN R. BLUMATTE, a/k/a ROBERT ANGONA, a/k/a  
JOHN BLUE,

Plaintiff,

-against-

GERARD QUINN, DONALD ROGERS, et al.,

Defendants.  
----- X

**ANSWER OF DEFENDANTS  
QUINN AND ROGERS**

07 Civ. 2944 (JSR)

**JURY TRIAL DEMANDED**

Defendants Gerard Quinn (“Quinn”) and Donald Rogers (“Rogers”), by their attorney Michael A. Cardozo, Corporation Counsel of the City of New York, for their answer to the complaint, respectfully allege, upon information and belief, as follows.

1. Deny the allegations set forth in paragraph “1” of the complaint, except admit that plaintiff purports to bring the action as stated therein.

2. Deny the allegations set forth in paragraph “2” of the complaint, except admit that defendants Quinn and Rogers are Detectives with the New York City Police Department.

3. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “3” of the complaint.

4. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “4” of the complaint.

5. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “5” of the complaint.

6. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “6” of the complaint.

7. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “7” of the complaint.

8. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “8” of the complaint.

9. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “9” of the complaint.

10. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “10” of the complaint.

11. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “11” of the complaint.

12. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “12” of the complaint.

13. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “13” of the complaint.

14. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “14” of the complaint.

15. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “15” of the complaint.

16. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “16” of the complaint.

17. Deny the allegations set forth in paragraph “17” of the complaint, except admit that plaintiff purports to invoke the jurisdiction of the Court as stated therein.

18. Deny the allegations set forth in paragraph “18” of the complaint, except admit that plaintiff purports to base venue as stated therein.

19. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “19” of the complaint.

20. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “20” of the complaint.

21. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “21” of the complaint.

22. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “22” of the complaint.

23. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “23” of the complaint.

24. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “24” of the complaint.

25. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “25” of the complaint.

26. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “26” of the complaint.

27. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “27” of the complaint.

28. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “28” of the complaint.

29. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “29” of the complaint.

30. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “30” of the complaint.

31. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “31” of the complaint.

32. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “32” of the complaint.

33. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “33” of the complaint.

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136. Deny the allegations set forth in paragraph “136” of the complaint.

137. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “137” of the complaint.

138. Deny the allegations set forth in paragraph “138” of the complaint.

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162. Deny the allegations set forth in paragraph “162” of the complaint.

163. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “163” of the complaint.

164. Deny the allegations set forth in paragraph “164” of the complaint.

165. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “165” of the complaint.

166. Deny the allegations set forth in paragraph “166” of the complaint.

167. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “167” of the complaint.

168. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “168” of the complaint.

169. Deny the allegations set forth in paragraph “169” of the complaint.

170. Deny the allegations set forth in paragraph “170” of the complaint.

171. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “171” of the complaint.

172. Deny the allegations set forth in paragraph “172” of the complaint.

173. Deny the allegations set forth in paragraph “173” of the complaint.

174. Deny the allegations set forth in paragraph “174” of the complaint.

175. Deny the allegations set forth in paragraph “175” of the complaint.

176. Deny the allegations set forth in paragraph “176” of the complaint.

177. Deny the allegations set forth in paragraph “177” of the complaint.

178. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “178” of the complaint.

179. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “179” of the complaint.

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182. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “182” of the complaint.

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185. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “185” of the complaint.

186. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “186” of the complaint.

187. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “187” of the complaint.

188. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “188” of the complaint.

189. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “194” of the complaint.

190. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “190” of the complaint.

191. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “191” of the complaint.

192. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “192” of the complaint.

193. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “193” of the complaint.

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195. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “195” of the complaint.

196. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “196” of the complaint.

197. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “197” of the complaint.

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200. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “200” of the complaint.

201. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “201” of the complaint.

202. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “202” of the complaint.

203. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “203” of the complaint.

204. Deny the allegations set forth in paragraph “204” of the complaint.

205. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “205” of the complaint.

206. Deny the allegations set forth in paragraph “206” of the complaint.

207. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “207” of the complaint.

208. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “208” of the complaint.

209. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “209” of the complaint.

210. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “210” of the complaint.

211. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “211” of the complaint.

212. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “212” of the complaint.

213. Deny the allegations set forth in paragraph “213” of the complaint, except admit that plaintiff was arrested, at least in part, based on the complaints made against him.

214. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “214” of the complaint.

215. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “215” of the complaint.

216. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “216” of the complaint.

217. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “217” of the complaint.

218. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “218” of the complaint.

219. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “219” of the complaint.

220. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “220” of the complaint.

221. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “221” of the complaint.

222. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “222” of the complaint.

223. In response to the allegations set forth in paragraph “223” of the complaint, defendants Quinn and Rogers repeat and reallege the responses set forth in preceding paragraphs of this answer as if fully set forth herein.

224. Deny the allegations set forth in paragraph “224” of the complaint.

225. Deny the allegations set forth in paragraph “225” of the complaint, except admit that plaintiff purports to seek relief as stated therein.

226. Deny the allegations set forth in paragraph “226” of the complaint.

227. In response to the allegations set forth in paragraph “227” of the complaint, defendants Quinn and Rogers repeat and reallege the responses set forth in preceding paragraphs of this answer as if fully set forth herein.

228. Deny the allegations set forth in paragraph “228” of the complaint.

229. Deny the allegations set forth in paragraph “229” of the complaint, except admit that plaintiff purports to seek relief as stated therein.

230. In response to the allegations set forth in paragraph “230” of the complaint, defendants Quinn and Rogers repeat and reallege the responses set forth in preceding paragraphs of this answer as if fully set forth herein.

231. Deny the allegations set forth in paragraph “231” of the complaint.

232. Deny the allegations set forth in paragraph “232” of the complaint.

233. Deny the allegations set forth in paragraph “233” of the complaint.

234. Deny the allegations set forth in paragraph “234” of the complaint.

235. Deny the allegations set forth in paragraph “235” of the complaint.

236. In response to the allegations set forth in paragraph “236” of the complaint, defendants Quinn and Rogers repeat and reallege the responses set forth in preceding paragraphs of this answer as if fully set forth herein.

237. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “237” of the complaint.

238. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “238” of the complaint.

239. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “239” of the complaint.

240. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “240” of the complaint.

241. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “241” of the complaint.

242. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “242” of the complaint.

243. In response to the allegations set forth in paragraph “243” of the complaint, defendants Quinn and Rogers repeat and reallege the responses set forth in preceding paragraphs of this answer as if fully set forth herein.

244. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “244” of the complaint.

245. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “245” of the complaint.

246. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “246” of the complaint.

247. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “247” of the complaint.

248. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “248” of the complaint.

249. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “249” of the complaint.

250. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “250” of the complaint, except admit that plaintiff purports to seek relief as stated therein.

**AS AND FOR A FIRST AFFIRMATIVE DEFENSE:**

251. The complaint fails to state a claim upon which relief can be granted.

**AS AND FOR A SECOND AFFIRMATIVE DEFENSE:**

252. Defendants Quinn and Rogers have not violated any rights, privileges or immunities under the Constitution or laws of the United States or the State of New York or any political subdivision thereof.

**AS AND FOR A THIRD AFFIRMATIVE DEFENSE:**

253. Any injury alleged to have been sustained resulted from plaintiff’s own culpable or negligent conduct or the culpable or negligent conduct of others and was not the proximate result of any act of defendants Quinn or Rogers.

**AS AND FOR A FOURTH AFFIRMATIVE DEFENSE:**

254. Defendants Quinn and Rogers have not violated any clearly established constitutional or statutory right of which a reasonable person would have known and therefore are protected by qualified immunity.

**AS AND FOR A FIFTH AFFIRMATIVE DEFENSE:**

255. At all times relevant to the acts alleged in the complaint, defendants Quinn and Rogers acted reasonably in the proper and lawful exercise of their discretion.

**AS AND FOR A SIXTH AFFIRMATIVE DEFENSE:**

256. There was probable cause for plaintiff’s arrest and prosecution.

**AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE:**

257. Plaintiff provoked any incident.

**AS AND FOR AN EIGHTH AFFIRMATIVE DEFENSE:**

258. Plaintiff has failed to comply with New York General Municipal Law § 50-e.

**AS AND FOR A NINTH AFFIRMATIVE DEFENSE:**

259. Plaintiff's claims are barred, in part, by the applicable statute of limitations.

**WHEREFORE**, defendants Quinn and Rogers request judgment dismissing the complaint in its entirety, together with the costs and disbursements of this action, and such other and further relief as the Court may deem just and proper.

Dated: New York, New York  
June 13, 2007

**MICHAEL A. CARDOZO**  
Corporation Counsel of the  
City of New York  
Attorney for Defendants Quinn and Rogers  
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